IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH.

C.W.P. No. 7366 of 2005

Date of Decision: December 14, 2006

Ram Mehar Singh

…..Petitioner

Vs.

Dakshin Haryana Bijli Vitran Nigam Limited, Hisar

…..Respondent

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR.

HON'BLE MR. JUSTICE M.M.S. BEDI.

Present:- Mr. Devender Punia, Advocate
for the petitioner.

Mr. Narender Hooda, Advocate
for the respondent.

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M.M. KUMAR, J. (ORAL)

The prayer made by the petitioner in the instant petition is for partially quashing the order dated May 27, 2002 (P-1) to the extent it declines the payment of arrears to the petitioner w.e.f. the deemed date of his promotion i.e. December 18, 1991. It is appropriate to mention that the petitioner was ignored from promotion inadvertently by the respondent

Department and after due consideration, he was found entitled to promotion on the post of Sub Divisional Engineer w.e.f. December 18, 1991. However, while granting promotion no arrears of pay were ordered to be released in his favour.

Mr. Devender Punia, learned counsel for the petitioner states that the petitioner would be satisfied if the arrears of pay are released to him for a period of 38 months preceding the date of filing of the petition. Mr.Narender Hooda, learned counsel for the respondent has not been able to persuade us to reject the aforementioned prayer made by the petitioner as it is well settled principle of law that the arrears are always restricted to three years two months. It is appropriate to mention that the pay of the petitioner has already been fixed in the scale of Sub Divisional Engineer, w.e.f. the deemed date of promotion i.e. December 18, 1991 as is evident from the perusal of the order dated May 27, 2002 (P-1).

In view of the above, we dispose of the writ petition by directing the respondents to pay the arrears of the petitioner in view of the re-fixation of his pay for a period of three years two months preceding the date of filing the writ petition which was filed on May 7, 2005.

The writ petition stands disposed of in the above terms.

(M.M.KUMAR)
JUDGE

December 14, 2006
sanjay

(M.M.S.BEDI)
JUDGE